

# POMERANTZLLP

Michael Grunfeld

Partner

VIA CM-ECF

May 23, 2022

Honorable Paul A. Engelmayer  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2201  
New York, NY 10007

Re: *Altimeo Asset Management v. Qihoo 360 Technology Co. Ltd., et al.* No. 1:19-cv-10067-PAE (S.D.N.Y.); Scheduling Request

Dear Judge Engelmayer:

Lead Plaintiffs Altimeo Asset Management and ODS Capital LLC (collectively, “Plaintiffs”) write pursuant to Rule 1.E of Your Honor’s Individual Rules to request a temporary adjournment of the deadline for Plaintiffs’ motion for class certification, in light of Defendants Qihoo 360 Technology Co. Ltd. (“Qihoo”) and Eric X Chen’s pending motion to stay discovery. (ECF No. 117).

Under the Case Management Plan in this action, Plaintiffs’ Motion for Class Certification is due on May 31, 2022. (ECF No. 97). Plaintiffs think this motion should proceed as scheduled. However, the parties are in respectful disagreement as to the effect of the PSLRA discovery stay on the case, with Plaintiffs arguing that it should not bar any proceedings aside from discovery from Defendant Zhou and Defendants arguing it should stay the entirety of the present Case Management Plan. (ECF Nos. 117, 119, 121, 124).

Given the uncertainty as to how the PSLRA stay applies as to Plaintiffs’ class certification briefing, Plaintiffs request that that the current deadline be adjourned until either (1) 14 days after the Court rules that class certification briefing may proceed (with the remaining deadlines in connection with class certification adjusted accordingly) or (2) if the Court determines that class certification briefing should not proceed at this time, until a date agreed to by the parties following the decision on Defendant Zhou’s motion to dismiss.<sup>1</sup>

Plaintiffs have consulted with Defendants Qihoo, Chen, and Zhou, and they all consent to this request, while reserving all rights as to their positions stated in connection with Qihoo and Chen’s motion to stay.

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<sup>1</sup> The parties will submit a revised Case Management Plan with the modified dates for class certification briefing and discovery when those dates are set.

We are available to address any questions that the Court may have about these issues.

Respectfully submitted,

/s/ Michael Grunfeld

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***Additional Counsel for Co-Lead Plaintiff  
ODS Capital LLC***

In light of this Court's recent ruling that discovery is stayed pursuant to the PSLRA, the briefing schedule for the motion for class certification is also stayed pending resolution of Zhou's motion to dismiss. The parties are directed to submit a new case management plan with revised discovery and briefing deadlines once the Court has resolved Zhou's motion to dismiss. SO ORDERED.

Paul A. Engelmayer

PAUL A. ENGELMAYER

United States District Judge

Dated: May 26, 2022